UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,890	03/25/2004	Yasutaka Kanayama	FUJ 20.916	7465

26304 7590 06/09/2008

KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
SINGH, HIRDEPAL	

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
06/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,890	KANAYAMA ET AL.	
	Examiner	Art Unit	
	HIRDEPAL SINGH	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on February 15, 2008. Claims 1-11 are pending and have been considered below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunne et al. (US 2003/0152152).

Regarding claims 5 and 7:

Dunne et al discloses a data transmission system communicating between a first terminal transmitting second data formed by a second encoding system, and a second terminal for receiving information transmitted from the first terminal (120,122, 124 in figure 5) comprising;

a first data terminal for inputting said second data and outputting first data encoded with a first encoding system (paragraphs 0008-0009) in a first mode and third data multiplexing said second data and said first data in a second mode (paragraph 0031); and

a second data terminal for inputting said first or third data (paragraphs 0008-0009) output and outputting to the second terminal, in the first mode, fifth data formed by encoding said first data input with a second encoding system (paragraph 0011) and also outputting, in the second mode, said second data isolated from said third data, wherein when said second data terminal is in said first mode and said third data is input, a part of said third data where said second data is multiplexed (70 in figure 1) is replaced with the particular data and said particular data is outputted through the encoding thereof with said second encoding system.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. (US 2003/0152152) in view of Sebire et al. (US2004/0120302).

Regarding claim 1:

Dunne et al discloses a data processing method for inputting data, the input data including one of a first data and a third data (paragraph 0008), the first data formed by encoding a signal with a first encoding system, and the third data formed by multiplexing second data formed by encoding the signal with a second encoding system and said first data (abstract; paragraphs 0008-0009 " first data is formed by first enhancement signal and third data is formed based on the third analyzer signal"; see figure 1), the data processing method outputting fourth data, the data processing method comprising the steps of:

providing a first mode (15 in figure 1) for inputting the first data, encoding the input data with the second encoding system and outputting the encoded input data as the fourth data (paragraph 0011, especially last 14 lines);

providing a second mode (paragraphs 0011 and 0026) for inputting the third data, isolating the second data and outputting the second data as the fourth data (paragraph 0030).

Dunne et al discloses all of the subject matter as described above and further discloses replacing a part of the third data where the second data is multiplexed with a particular data (paragraphs 0083-0086; and clearly stated in claim 6) encoding the input data including the replaced part with the second encoding system and outputting the encoded data (paragraphs 0021, 0024, 0030 and 0032) as the fourth data, except for specifically teaching that the method providing a third mode for inputting the third data.

However, Sebire et al in the same field of endeavor discloses a system and method where a method providing a third mode (abstract; paragraph 0041) for inputting the third data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to input third data formed by multiplexing second data and first data and encoding the decoded data and outputting the data in order to get the quality of data signal with minimal degradation as the compressed signal is enhanced.

Regarding claim 2:

Dunne et al discloses all of the subject matter as described above and further discloses the steps of:

determining if the input data is the first data or the third data (paragraphs 0008 and 0028); and

determining whether to process the input data in the second mode or the third mode when the input data is the third data (paragraphs 0029 and 0031-0032).

Dunne et al discloses all of the subject matter as described above except for specifically teaching that the method includes a third mode.

However, Sebire et al in the same field of endeavor discloses a system and method where a method providing a third mode (abstract; paragraph 0041) for inputting the third data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to input third data formed by multiplexing second data and first data

and encoding the decoded data and outputting the data in order to get the quality of data signal with minimal degradation as the compressed signal is enhanced.

Regarding claim 3:

Dunne et al discloses all of the subject matter as described above and further discloses that the first encoding system includes PCM (paragraphs 0005 and 0021) and the signal is an analog signal.

7. Claims 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. (US 2003/0152152) in view of Kapanen et al. (US 6,850,883).

Regarding claim 4:

Dunne et al discloses a data processing method for inputting data, the input data including one of a first data and a third data (paragraph 0008), the first data formed by encoding a signal with a first encoding system (abstract; paragraphs 0008-0009 " first data is formed by first enhancement signal and third data is formed based on the third analyzer signal"; see figure 1), and the third data formed by multiplexing second data formed by encoding the signal with a second encoding system and said first data, the data processing method outputting fourth data, the data processing method comprising the steps of:

detecting if the input data is the first data or the third data (paragraphs 0008 and 0028); and

determining whether to transition from a first operation mode to a second operation mode (paragraph 0031) for coding the input data, wherein when an operation mode is to be switched to said first mode or said second mode, a signal for

resetting (paragraph 0029 “enabling and disabling the processors”) a data processor (48, 50 and 80 in figure 1) for decoding the data output with said second encoding system (30 and 60 in figure 1) is added, before such switching operation, to said fourth data and is then outputted.

Dunne et al discloses all of the subject matter as described above including the preamble portion which doesn’t have same patentable weight as positive limitations in the body of the claim, except for specifically teaching that a signal for resetting data processor for decoding data output.

However, Kapanen in the same field of endeavor discloses a decoding method speech encoding processing system where a signal for resetting data processor for decoding data output (abstract; column 6, lines 64-67; column 7, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement the teaching of Kapanen to reset the data processor for decoding data with a decoding system before switching to another mode in the Dunne system to make the switching between tandem and tandem free operation accordingly as required with resetting and synchronizing quantizing to advantageously use tandem free operation system by providing predictive and generally non stateless encoders.

Regarding claims 6 and 8:

Dunne et al discloses a data transmission system communicating between a first terminal transmitting second data formed by a second encoding system, and a second terminal (120,122, 124 in figure 5) for receiving information transmitted from the first terminal comprising;

a first data terminal for inputting said second data and outputting first data encoded with a first encoding system in a first mode (paragraphs 0008-0009), and also outputting third data multiplexing said second data and said first data in a second mode (paragraph 0031);

a second data terminal for inputting said first or third data (paragraphs 0008-0009), and outputting to said second terminal, in a first mode, fourth data formed by encoding said first data with a second encoding system (paragraphs 0008-0009) and also outputting said second data isolated from said third data in a second mode, wherein when an operation mode is to be switched to said first mode or said second mode (17 and 18 in figure 1), the data for resetting a data processor to decode the data output with said second encoding system is added to said fourth data and then output before said mode switching operation (70 in figure 1).

Dunne et al discloses all of the subject matter as described above including the preamble portion which doesn't have same patentable weight as positive limitations in the body of the claim, except for specifically teaching that a signal for resetting data processor for decoding data output.

However, Kapanen in the same field of endeavor discloses a decoding method speech encoding processing system where a signal for resetting data processor for decoding data output (abstract; column 6, lines 64-67; column 7, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement the teaching of Kapanen to reset the data processor for decoding data with a decoding system before switching to another mode in the Dunne

system to make the switching between tandem and tandem free operation accordingly as required with resetting and synchronizing quantizing to advantageously use tandem free operation system by providing predictive and generally non stateless encoders.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunne et al. (US 2003/0152152) in view of Kapanen et al. (US 6,850,883) as applied to claim 8 above, and further in view of Sebire et al. (US2004/0120302).

Regarding claim 9:

Dunne et al discloses all of the subject matter as described above except for specifically teaching that the input data determining section determines if third data is inputted by detecting the synchronization bit of said multiplexed data.

However, Sebire et al in the same field of endeavor discloses a system and method where it discloses use of the synchronization bit of said multiplexed data (paragraph 0035).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to input third data formed by multiplexing second data and first data and encoding the decoded data and outputting the data in order to get the quality of data signal with minimal degradation as the compressed signal is enhanced.

Regarding claim 10:

Dunne et al discloses all of the subject matter as described above and further discloses that input data determining section determines that said third data is inputted

by detecting the signal to be transmitted before said third data is transmitted (paragraphs 0008-0009).

Regarding claim 11:

Dunne et al discloses all of the subject matter as described above and further discloses that the input starting position (paragraphs 0072 and 0089) of said third data determined as input is obtained from the signal to be transmitted before said third data is transmitted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIRDEPAL SINGH whose telephone number is (571)270-1688. The examiner can normally be reached on Mon-Fri (Alternate Friday Off)8:00AM-5:00PMEST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S./
Examiner, Art Unit 2611
May 27, 2008
/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611